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and DANIEL HAHN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEGAN WHITE; JERONIMO
AGUILAR; LOREN WAYNE KIDD;
LYRIC NASH; NICOLLETTE JONES; and
ODETTE ZAPATA,

Plaintiffs,

vs.

SACRAMENTO POLICE
DEPARTMENT; THE CITY OF
SACRAMENTO; DANIEL HAHN; and
DOES 1-200 (the names and numbers of
which are currently unknown),

Defendants.

Case No.: 2:21-cv-02211-JAM-DB

ANSWER OF DEFENDANTS CITY
OF SACRAMENTO, SACRAMENTO
POLICE DEPARTMENT AND
DANIEL HAHN TO SECOND
AMENDED COMPLAINT

Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT
and DANIEL HAHN, in his official capacity as Chief of the Sacramento Police Department,
(hereinafter "Defendants") answer the unverified Second Amended Complaint (hereinafter
"Complaint") of Plaintiff MEGAN WHITE; JERONIMO AGUILAR; LOREN WAYNE
KIDD; LYRIC NASH; NICOLLETTE JONES; AND ODETTE ZAPATA, as follows:

1. Paragraph one sets forth argument and/or legal conclusions, as opposed to factual
allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 2. Paragraph two sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 3. Paragraph three sets forth argument and/or legal conclusions, as opposed to
8 factual allegations, to which no response is required, and on that ground the Defendants deny
9 each and every allegation contained therein. Further, Defendants deny each and every
10 allegation contained therein.

11 4. Paragraph four sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 5. Paragraph five sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 6. Paragraph six sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 7. Paragraph seven sets forth argument and/or legal conclusions, as opposed to
24 factual allegations, to which no response is required, and on that ground the Defendants deny
25 each and every allegation contained therein. Further, Defendants deny each and every
26 allegation contained therein.

27 8. Paragraph eight sets forth argument and/or legal conclusions, as opposed to
28 factual allegations, to which no response is required, and on that ground the Defendants deny

1 each and every allegation contained therein. Further, Defendants deny each and every
2 allegation contained therein.

3 9. Paragraph nine sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 10. Paragraph ten sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 11. Paragraph 11 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 12. Answering paragraph 12 of the Complaint, Defendants, without admitting that the
16 allegations in the Complaint are true, and given their affirmative defenses to the allegations,
17 admit that jurisdiction is proper.

18 13. Answering paragraph 13 of the Complaint, Defendants, without admitting that the
19 allegations in the Complaint are true, and given their affirmative defenses to the allegations,
20 admit that jurisdiction is proper.

21 14. Answering paragraph 14 of the Complaint, Defendants, without admitting that the
22 allegations in the Complaint are true, and given their affirmative defenses to the allegations,
23 admit that jurisdiction is proper.

24 15. Answering paragraph 15 of the Complaint, Defendants, without admitting that the
25 allegations in the Complaint are true, and given their affirmative defenses to the allegations,
26 admit that jurisdiction is proper.

27 16. Answering paragraph 16 of the Complaint, Defendants, without admitting that the
28 allegations in the Complaint are true, and given their affirmative defenses to the allegations,

1 admit that venue is proper.

2 17. Answering paragraph 17 of the Complaint, Defendants are without sufficient
3 information to form a belief as to the truth of those allegations and on that basis deny each and
4 every allegation contained therein.

5 18. Answering paragraph 18 of the Complaint, Defendants are without sufficient
6 information to form a belief as to the truth of those allegations and on that basis deny each and
7 every allegation contained therein.

8 19. Answering paragraph 19 of the Complaint, Defendants are without sufficient
9 information to form a belief as to the truth of those allegations and on that basis deny each and
10 every allegation contained therein.

11 20. Answering paragraph 20 of the Complaint, Defendants are without sufficient
12 information to form a belief as to the truth of those allegations and on that basis deny each and
13 every allegation contained therein.

14 21. Answering paragraph 21 of the Complaint, Defendants are without sufficient
15 information to form a belief as to the truth of those allegations and on that basis deny each and
16 every allegation contained therein.

17 22. Answering paragraph 22 of the Complaint, Defendants are without sufficient
18 information to form a belief as to the truth of those allegations and on that basis deny each and
19 every allegation contained therein.

20 23. Defendants admit the Sacramento Police Department is the police department for
21 the City of Sacramento. Defendants deny all other allegations in the paragraph.

22 24. Defendants admit paragraph 24.

23 25. Defendants admit paragraph 25.

24 26. Answering paragraph 26 of the Complaint, Defendants are without sufficient
25 information to form a belief as to the truth of those allegations and on that basis deny each and
26 every allegation contained therein.

27 27. Paragraph 27 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 28. Paragraph 28 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 29. Paragraph 29 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 30. Paragraph 30 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 31. Paragraph 31 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 32. Paragraph 32 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 33. Paragraph 33 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 34. Defendants deny each and every allegation contained in paragraph 34.

28 35. Paragraph 35 sets forth argument and/or legal conclusions, as opposed to factual

1 allegations, to which no response is required, and on that ground the Defendants deny each
2 and every allegation contained therein. Further, Defendants deny each and every allegation
3 contained therein.

4 36. Paragraph 36 sets forth argument and/or legal conclusions, as opposed to factual
5 allegations, to which no response is required, and on that ground the Defendants deny each
6 and every allegation contained therein. Further, Defendants deny each and every allegation
7 contained therein.

8 37. Paragraph 37 sets forth argument and/or legal conclusions, as opposed to factual
9 allegations, to which no response is required, and on that ground the Defendants deny each
10 and every allegation contained therein. Further, Defendants deny each and every allegation
11 contained therein.

12 38. Paragraph 38 sets forth argument and/or legal conclusions, as opposed to factual
13 allegations, to which no response is required, and on that ground the Defendants deny each
14 and every allegation contained therein. Further, Defendants deny each and every allegation
15 contained therein.

16 39. Paragraph 39 sets forth argument and/or legal conclusions, as opposed to factual
17 allegations, to which no response is required, and on that ground the Defendants deny each
18 and every allegation contained therein. Further, Defendants deny each and every allegation
19 contained therein.

20 40. Paragraph 40 sets forth argument and/or legal conclusions, as opposed to factual
21 allegations, to which no response is required, and on that ground the Defendants deny each
22 and every allegation contained therein. Further, Defendants deny each and every allegation
23 contained therein.

24 41. Paragraph 41 sets forth argument and/or legal conclusions, as opposed to factual
25 allegations, to which no response is required, and on that ground the Defendants deny each
26 and every allegation contained therein. Further, Defendants deny each and every allegation
27 contained therein.

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1 42. Paragraph 42 sets forth argument and/or legal conclusions, as opposed to factual
2 allegations, to which no response is required, and on that ground the Defendants deny each
3 and every allegation contained therein. Further, Defendants deny each and every allegation
4 contained therein.

5 43. Paragraph 43 sets forth argument and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground the Defendants deny each
7 and every allegation contained therein. Further, Defendants deny each and every allegation
8 contained therein.

9 44. Paragraph 44 sets forth argument and/or legal conclusions, as opposed to factual
10 allegations, to which no response is required, and on that ground the Defendants deny each
11 and every allegation contained therein. Further, Defendants deny each and every allegation
12 contained therein.

13 45. Answering paragraph 45 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of those allegations and on that basis
15 deny each and every allegation contained therein.

16 46. Defendants deny each and every allegation contained in paragraph 46.

17 47. Answering paragraph 47 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 48. Answering paragraph 47 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of those allegations and on that basis
22 deny each and every allegation contained therein.

23 49. Answering paragraph 49 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of those allegations and on that basis
25 deny each and every allegation contained therein.

26 50. Answering paragraph 50 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 51. Answering paragraph 51 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 52. Answering paragraph 52 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 53. Answering paragraph 53 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 54. Answering paragraph 54 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of those allegations and on that basis
12 deny each and every allegation contained therein.

13 55. Defendants deny each and every allegation contained in paragraph 53.

14 56. Answering paragraph 56 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 57. Answering paragraph 57 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 58. Answering paragraph 58 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of those allegations and on that basis
22 deny each and every allegation contained therein.

23 59. Answering paragraph 59 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of those allegations and on that basis
25 deny each and every allegation contained therein.

26 60. Answering paragraph 60 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 61. Answering paragraph 61 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 62. Answering paragraph 62 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 63. Answering paragraph 63 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 64. Defendants admit that on June 1, 2020, the Sacramento City Counsel passed a
11 resolution imposing a curfew.

12 65. Defendants deny each and every allegation contained in paragraph 65.

13 66. Defendants admit National Guard deployed troops in Sacramento in June 2020.
14 Defendants deny each and every other allegation in paragraph 66.

15 67. Answering paragraph 67 of the Complaint, Defendants are without sufficient
16 knowledge or information to form a belief as to the truth of those allegations and on that basis
17 deny each and every allegation contained therein.

18 68. Answering paragraph 68 of the Complaint, Defendants are without sufficient
19 knowledge or information to form a belief as to the truth of those allegations and on that basis
20 deny each and every allegation contained therein.

21 69. Answering paragraph 69 of the Complaint, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of those allegations and on that basis
23 deny each and every allegation contained therein.

24 70. Answering paragraph 70 of the Complaint, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of those allegations and on that basis
26 deny each and every allegation contained therein.

27 71. Defendants deny each and every allegation contained in paragraph 71.

28 72. Defendants admit on November 7, 2020, individuals gathered at the State Capitol.

1 Defendants deny each and every other allegation in paragraph 72.

2 73. Answering paragraph 73 of the Complaint, Defendants are without sufficient
3 knowledge or information to form a belief as to the truth of those allegations and on that basis
4 deny each and every allegation contained therein.

5 74. Answering paragraph 74 of the Complaint, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of those allegations and on that basis
7 deny each and every allegation contained therein.

8 75. Answering paragraph 75 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of those allegations and on that basis
10 deny each and every allegation contained therein.

11 76. Defendants deny each and every allegation contained in paragraph 76.

12 Answering paragraph 68 of the Complaint, Defendants are without sufficient knowledge
13 or information to form a belief as to the truth of those allegations and on that basis deny each
14 and every allegation contained therein.

15 77. Answering paragraph 77 of the Complaint, Defendants are without sufficient
16 knowledge or information to form a belief as to the truth of those allegations and on that basis
17 deny each and every allegation contained therein.

18 78. Answering paragraph 78 of the Complaint, Defendants are without sufficient
19 knowledge or information to form a belief as to the truth of those allegations and on that basis
20 deny each and every allegation contained therein.

21 79. Defendants deny each and every allegation contained in paragraph 79.

22 80. Defendants admit there was a political rally/protest at the Capitol on November
23 14, 2020. Defendants are without sufficient knowledge or information to form a belief as to
24 the truth of the remaining allegations and on that basis deny each and every other allegation
25 contained therein.

26 81. Answering paragraph 81 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 82. Answering paragraph 82 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 83. Answering paragraph 83 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 84. Defendants deny each and every allegation contained in paragraph 84.

8 85. Answering paragraph 85 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of those allegations and on that basis
10 deny each and every allegation contained therein.

11 86. Answering paragraph 86 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of those allegations and on that basis
13 deny each and every allegation contained therein.

14 87. Answering paragraph 87 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 88. Answering paragraph 88 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 89. Defendants admit there was a political rally/protest at the Capitol on November
21 21, 2020. Defendants are without sufficient knowledge or information to form a belief as to
22 the truth of the remaining allegations and on that basis deny each and every other allegation
23 contained therein.

24 90. Answering paragraph 90 of the Complaint, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of those allegations and on that basis
26 deny each and every allegation contained therein.

27 91. Answering paragraph 91 of the Complaint, Defendants are without sufficient
28 knowledge or information to form a belief as to the truth of those allegations and on that basis

1 deny each and every allegation contained therein.

2 92. Answering paragraph 92 of the Complaint, Defendants are without sufficient
3 knowledge or information to form a belief as to the truth of those allegations and on that basis
4 deny each and every allegation contained therein.

5 93. Answering paragraph 93 of the Complaint, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of those allegations and on that basis
7 deny each and every allegation contained therein.

8 94. Answering paragraph 94 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of those allegations and on that basis
10 deny each and every allegation contained therein.

11 95. Answering paragraph 95 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of those allegations and on that basis
13 deny each and every allegation contained therein.

14 96. Answering paragraph 96 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 97. Answering paragraph 97 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 98. Answering paragraph 98 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of those allegations and on that basis
22 deny each and every allegation contained therein.

23 99. Answering paragraph 99 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of those allegations and on that basis
25 deny each and every allegation contained therein.

26 100. Answering paragraph 100 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 101. Answering paragraph 101 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 102. Answering paragraph 102 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 103. Answering paragraph 103 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 104. Answering paragraph 104 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of those allegations and on that basis
12 deny each and every allegation contained therein.

13 105. Answering paragraph 105 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of those allegations and on that basis
15 deny each and every allegation contained therein.

16 106. Answering paragraph 106 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of those allegations and on that basis
18 deny each and every allegation contained therein.

19 107. Answering paragraph 107 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of those allegations and on that basis
21 deny each and every allegation contained therein.

22 108. Answering paragraph 108 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of those allegations and on that basis
24 deny each and every allegation contained therein.

25 109. Answering paragraph 109 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of those allegations and on that basis
27 deny each and every allegation contained therein.

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1 110. Answering paragraph 110 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 111. Answering paragraph 111 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 112. Answering paragraph 112 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 113. Defendants admit there was a political rally/protest at or near the Capitol on
11 December 19, 2020. Defendants are without sufficient knowledge or information to form a
12 belief as to the truth of the remaining allegations and on that basis deny each and every other
13 allegation contained therein.

14 114. Defendants admit that Plaintiff Kidd was taken into custody on December 19, 2020
15 and subsequently released the same day. Mr. Kidd was release as there were insufficient
16 grounds for making a criminal complaint. Defendants are without sufficient knowledge or
17 information to form a belief as to the truth of the remaining allegations and on that basis deny
18 each and every other allegation contained therein.

19 115. Answering paragraph 115 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of those allegations and on that basis
21 deny each and every allegation contained therein.

22 116. Answering paragraph 116 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of those allegations and on that basis
24 deny each and every allegation contained therein.

25 117. Defendants admit that when Plaintiff Kidd was released the reasons for release
26 indicated on form SPD 138 was "Arrestee exonerated" but "Further investigation necessary"
27 was also marked. Defendants are without sufficient knowledge or information to form a belief
28 as to the truth of the remaining allegations and on that basis deny each and every other

1 allegation contained therein.

2 118. Answering paragraph 118 of the Complaint, Defendants are without sufficient
3 knowledge or information to form a belief as to the truth of those allegations and on that basis
4 deny each and every allegation contained therein.

5 119. Answering paragraph 119 of the Complaint, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of those allegations and on that basis
7 deny each and every allegation contained therein.

8 120. Answering paragraph 120 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of those allegations and on that basis
10 deny each and every allegation contained therein.

11 121. Answering paragraph 121 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of those allegations and on that basis
13 deny each and every allegation contained therein.

14 122. Answering paragraph 122 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 123. Defendants admit there was a gathering outside of the Sacramento County Jail on
18 December 31, 2020. Defendants are without sufficient knowledge or information to form a
19 belief as to the truth of the remaining allegations and on that basis deny each and every other
20 allegation contained therein.

21 124. Defendants admit there was a political rally/protest at or near the Capitol on
22 January 6, 2021. Defendants are without sufficient knowledge or information to form a belief
23 as to the truth of the remaining allegations and on that basis deny each and every other
24 allegation contained therein.

25 125. Answering paragraph 125 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of those allegations and on that basis
27 deny each and every allegation contained therein.

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1 126. Answering paragraph 126 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 127. Answering paragraph 127 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 128. Answering paragraph 128 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 129. Answering paragraph 129 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of those allegations and on that basis
12 deny each and every allegation contained therein.

13 130. Answering paragraph 130 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of those allegations and on that basis
15 deny each and every allegation contained therein.

16 131. Answering paragraph 131 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of those allegations and on that basis
18 deny each and every allegation contained therein.

19 132. Answering paragraph 132 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of those allegations and on that basis
21 deny each and every allegation contained therein.

22 133. Answering paragraph 133 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of those allegations and on that basis
24 deny each and every allegation contained therein.

25 134. Answering paragraph 134 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of those allegations and on that basis
27 deny each and every allegation contained therein.

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1 135. Answering paragraph 135 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 136. Answering paragraph 136 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 137. Answering paragraph 137 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 138. Paragraph 138 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 139. Answering paragraph 139 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 140. Answering paragraph 140 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 141. Answering paragraph 141 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of those allegations and on that basis
22 deny each and every allegation contained therein.

23 142. Answering paragraph 142 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of those allegations and on that basis
25 deny each and every allegation contained therein.

26 143. Answering paragraph 143 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 144. Answering paragraph 144 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 145. Answering paragraph 145 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 146. Answering paragraph 146 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 147. Answering paragraph 147 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of those allegations and on that basis
12 deny each and every allegation contained therein.

13 148. Answering paragraph 148 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of those allegations and on that basis
15 deny each and every allegation contained therein.

16 149. Answering paragraph 149 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of those allegations and on that basis
18 deny each and every allegation contained therein.

19 150. Answering paragraph 150 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of those allegations and on that basis
21 deny each and every allegation contained therein.

22 151. Answering paragraph 151 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of those allegations and on that basis
24 deny each and every allegation contained therein.

25 152. Defendants admit on November 12, 2020, Plaintiff Aguilar was arrested and his
26 home searched pursuant to an arrest warrant and search warrant. Defendants are without
27 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
28 and on that basis deny each and every other allegation contained therein.

1 153. Defendants admit that after a lengthy standoff with law enforcement, Plaintiff
2 Aguilar exited the residence and was detained. Defendants admit that other individuals in the
3 residence were also detained briefly. Defendants are without sufficient knowledge or
4 information to form a belief as to the truth of the remaining allegations and on that basis deny
5 each and every other allegation contained therein.

6 154. Defendants admit after being arrested, Plaintiff Aguilar was given his mirranda
7 rights and was questioned by law enforcement. Plaintiff Aguilar was taken to and booked into
8 the Sacramento County jail. Defendants are without sufficient knowledge or information to
9 form a belief as to the truth of the remaining allegations and on that basis deny each and every
10 other allegation contained therein.

11 155. Answering paragraph 155 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of those allegations and on that basis
13 deny each and every allegation contained therein.

14 156. Answering paragraph 156 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of those allegations and on that basis
16 deny each and every allegation contained therein.

17 157. Answering paragraph 157 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of those allegations and on that basis
19 deny each and every allegation contained therein.

20 158. Answering paragraph 158 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of those allegations and on that basis
22 deny each and every allegation contained therein.

23 159. Answering paragraph 159 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of those allegations and on that basis
25 deny each and every allegation contained therein.

26 160. Answering paragraph 160 of the Complaint, Defendants are without sufficient
27 knowledge or information to form a belief as to the truth of those allegations and on that basis
28 deny each and every allegation contained therein.

1 161. Answering paragraph 161 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 162. Answering paragraph 162 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 163. Answering paragraph 163 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of those allegations and on that basis
9 deny each and every allegation contained therein.

10 164. Paragraph 164 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 165. Paragraph 165 sets forth argument and/or legal conclusions, as opposed to factual
15 allegations, to which no response is required, and on that ground the Defendants deny each
16 and every allegation contained therein. Further, Defendants deny each and every allegation
17 contained therein.

18 166. Paragraph 166 sets forth argument and/or legal conclusions, as opposed to factual
19 allegations, to which no response is required, and on that ground the Defendants deny each
20 and every allegation contained therein. Further, Defendants deny each and every allegation
21 contained therein.

22 167. Paragraph 167 sets forth argument and/or legal conclusions, as opposed to factual
23 allegations, to which no response is required, and on that ground the Defendants deny each
24 and every allegation contained therein. Further, Defendants deny each and every allegation
25 contained therein.

26 168. Paragraph 168 sets forth argument and/or legal conclusions, as opposed to factual
27 allegations, to which no response is required, and on that ground the Defendants deny each
28 and every allegation contained therein. Further, Defendants deny each and every allegation

1 contained therein.

2 169. Paragraph 169 sets forth argument and/or legal conclusions, as opposed to factual
3 allegations, to which no response is required, and on that ground the Defendants deny each
4 and every allegation contained therein. Further, Defendants deny each and every allegation
5 contained therein.

6 170. Paragraph 170 sets forth argument and/or legal conclusions, as opposed to factual
7 allegations, to which no response is required, and on that ground the Defendants deny each
8 and every allegation contained therein. Further, Defendants deny each and every allegation
9 contained therein.

10 171. Paragraph 171 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 172. Defendants admit they coordinate with and/or request support from other law
15 enforcement agencies when necessary. The Sacramento County Sheriff's Department and
16 California Highway Patrol are two of the law enforcement agencies the Defendants have
17 coordinated with and/or requested support from. Defendants deny remaining allegations in
18 paragraph 172.

19 173. Answering paragraph 173 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of those allegations and on that basis
21 deny each and every allegation contained therein.

22 174. Paragraph 174 sets forth argument and/or legal conclusions, as opposed to factual
23 allegations, to which no response is required, and on that ground the Defendants deny each
24 and every allegation contained therein. Further, Defendants deny each and every allegation
25 contained therein.

26 175. Paragraph 175 sets forth argument and/or legal conclusions, as opposed to factual
27 allegations, to which no response is required, and on that ground the Defendants deny each
28 and every allegation contained therein. Further, Defendants deny each and every allegation

1 contained therein.

2 176. Paragraph 176 sets forth argument and/or legal conclusions, as opposed to factual
3 allegations, to which no response is required, and on that ground the Defendants deny each
4 and every allegation contained therein. Further, Defendants deny each and every allegation
5 contained therein.

6 177. Paragraph 177 sets forth argument and/or legal conclusions, as opposed to factual
7 allegations, to which no response is required, and on that ground the Defendants deny each
8 and every allegation contained therein. Further, Defendants deny each and every allegation
9 contained therein.

10 178. Paragraph 178 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 179. Paragraph 179 sets forth argument and/or legal conclusions, as opposed to factual
15 allegations, to which no response is required, and on that ground the Defendants deny each
16 and every allegation contained therein. Further, Defendants deny each and every allegation
17 contained therein.

18 180. Paragraph 180 sets forth argument and/or legal conclusions, as opposed to factual
19 allegations, to which no response is required, and on that ground the Defendants deny each
20 and every allegation contained therein. Further, Defendants deny each and every allegation
21 contained therein.

22 181. Paragraph 181 sets forth argument and/or legal conclusions, as opposed to factual
23 allegations, to which no response is required, and on that ground the Defendants deny each
24 and every allegation contained therein. Further, Defendants deny each and every allegation
25 contained therein.

26 182. Paragraph 176 sets forth argument and/or legal conclusions, as opposed to factual
27 allegations, to which no response is required, and on that ground the Defendants deny each
28 and every allegation contained therein. Further, Defendants deny each and every allegation

1 contained therein.

2 183. Paragraph 183 sets forth argument and/or legal conclusions, as opposed to factual
3 allegations, to which no response is required, and on that ground the Defendants deny each
4 and every allegation contained therein. Further, Defendants deny each and every allegation
5 contained therein.

6 184. Paragraph 184 sets forth argument and/or legal conclusions, as opposed to factual
7 allegations, to which no response is required, and on that ground the Defendants deny each
8 and every allegation contained therein. Further, Defendants deny each and every allegation
9 contained therein.

10 185. Paragraph 185 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 186. Paragraph 186 sets forth argument and/or legal conclusions, as opposed to factual
15 allegations, to which no response is required, and on that ground the Defendants deny each
16 and every allegation contained therein. Further, Defendants deny each and every allegation
17 contained therein.

18 187. Paragraph 187 sets forth argument and/or legal conclusions, as opposed to factual
19 allegations, to which no response is required, and on that ground the Defendants deny each
20 and every allegation contained therein. Further, Defendants deny each and every allegation
21 contained therein.

22 188. Defendants admit the allegations in paragraph 188 for Defendants, with the
23 exception of the "Police Department." The Police Department is not a separate legal entity
24 from the City and therefore does not have any independent actions from the City.

25 189. Answering paragraph 189 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of those allegations and on that basis
27 deny each and every allegation contained therein.

28 / / /

1 190. Answering paragraph 190 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 191. Defendants deny the allegations in paragraph 191.

5 192. Defendants admit the Police Department has General Orders which are the
6 policies governing every aspect of our day-to-day operations and actions and Reference
7 Manuals which are the procedural directives that provide guidance on how to perform specific
8 tasks or functions. Defendants are without sufficient knowledge or information to form a belief
9 as to the truth of any other allegations and on that basis deny each and every other allegation
10 contained therein.

11 193. Paragraph 193 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 194. Paragraph 194 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 195. Paragraph 195 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 196. Paragraph 196 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 197. Paragraph 197 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 198. Paragraph 198 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 199. Paragraph 199 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 200. Paragraph 200 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 201. Paragraph 201 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 202. Paragraph 202 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 203. Paragraph 203 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 204. Paragraph 204 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 205. Paragraph 205 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 206. Paragraph 206 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 207. Paragraph 207 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 208. Paragraph 208 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 209. Paragraph 209 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 210. Paragraph 210 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 211. Paragraph 211 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 212. Paragraph 212 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 213. Paragraph 213 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 214. Paragraph 214 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 215. Paragraph 215 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 216. Paragraph 216 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 217. Paragraph 217 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 218. Paragraph 218 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 219. Paragraph 219 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 220. Paragraph 220 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 221. Paragraph 221 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 222. Paragraph 222 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 223. Paragraph 223 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 224. Paragraph 224 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 225. Paragraph 225 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 226. Defendants deny each and every allegation in paragraph 226.

4 227. Defendants deny each and every allegation in paragraph 227.

5 228. Defendants deny each and every allegation in paragraph 228.

6 229. Paragraph 229 sets forth argument and/or legal conclusions, as opposed to factual
7 allegations, to which no response is required, and on that ground the Defendants deny each
8 and every allegation contained therein. Further, Defendants deny each and every allegation
9 contained therein.

10 230. Paragraph 230 sets forth argument and/or legal conclusions, as opposed to factual
11 allegations, to which no response is required, and on that ground the Defendants deny each
12 and every allegation contained therein. Further, Defendants deny each and every allegation
13 contained therein.

14 231. Paragraph 231 sets forth argument and/or legal conclusions, as opposed to factual
15 allegations, to which no response is required, and on that ground the Defendants deny each
16 and every allegation contained therein. Further, Defendants deny each and every allegation
17 contained therein.

18 232. Paragraph 232 sets forth argument and/or legal conclusions, as opposed to factual
19 allegations, to which no response is required, and on that ground the Defendants deny each
20 and every allegation contained therein. Further, Defendants deny each and every allegation
21 contained therein.

22 233. Defendants deny each and every allegation in paragraph 233.

23 234. Defendants deny each and every allegation in paragraph 234.

24 235. Defendants deny each and every allegation in paragraph 235.

25 236. Paragraph 236 sets forth argument and/or legal conclusions, as opposed to factual
26 allegations, to which no response is required, and on that ground the Defendants deny each
27 and every allegation contained therein. Further, Defendants deny each and every allegation
28 contained therein.

1 237. Paragraph 237 sets forth argument and/or legal conclusions, as opposed to factual
2 allegations, to which no response is required, and on that ground the Defendants deny each
3 and every allegation contained therein. Further, Defendants deny each and every allegation
4 contained therein.

5 238. Paragraph 238 sets forth argument and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground the Defendants deny each
7 and every allegation contained therein. Further, Defendants deny each and every allegation
8 contained therein.

9 239. Paragraph 239 sets forth argument and/or legal conclusions, as opposed to factual
10 allegations, to which no response is required, and on that ground the Defendants deny each
11 and every allegation contained therein. Further, Defendants deny each and every allegation
12 contained therein.

13 240. Defendants deny each and every allegation in paragraph 240.

14 241. Defendants deny each and every allegation in paragraph 241.

15 242. Defendants deny each and every allegation in paragraph 242.

16 243. Paragraph 243 sets forth argument and/or legal conclusions, as opposed to factual
17 allegations, to which no response is required, and on that ground the Defendants deny each
18 and every allegation contained therein. Further, Defendants deny each and every allegation
19 contained therein.

20 244. Paragraph 244 sets forth argument and/or legal conclusions, as opposed to factual
21 allegations, to which no response is required, and on that ground the Defendants deny each
22 and every allegation contained therein. Further, Defendants deny each and every allegation
23 contained therein.

24 245. Paragraph 245 sets forth argument and/or legal conclusions, as opposed to factual
25 allegations, to which no response is required, and on that ground the Defendants deny each
26 and every allegation contained therein. Further, Defendants deny each and every allegation
27 contained therein.

28 / / /

1 246. Paragraph 246 sets forth argument and/or legal conclusions, as opposed to factual
2 allegations, to which no response is required, and on that ground the Defendants deny each
3 and every allegation contained therein. Further, Defendants deny each and every allegation
4 contained therein.

5 247. Paragraph 239 sets forth argument and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground the Defendants deny each
7 and every allegation contained therein. Further, Defendants deny each and every allegation
8 contained therein.

9 248. Defendants deny each and every allegation in paragraph 240.

10 249. Defendants deny each and every allegation in paragraph 241.

11 250. Paragraph 250 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 251. Paragraph 251 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 252. Paragraph 252 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 253. Paragraph 253 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 254. Paragraph 254 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 255. Paragraph 255 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 256. Paragraph 256 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 257. Paragraph 257 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 258. Paragraph 258 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 259. Paragraph 259 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 260. Paragraph 260 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 261. Paragraph 261 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 262. Paragraph 262 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 263. Paragraph 263 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 264. Paragraph 264 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 265. Paragraph 265 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 266. Paragraph 266 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 267. Paragraph 267 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 268. Paragraph 268 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 269. Paragraph 269 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 270. Paragraph 270 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 271. Paragraph 271 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 272. Paragraph 272 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 273. Paragraph 273 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 274. Paragraph 274 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 275. Paragraph 275 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 276. Paragraph 276 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 277. Paragraph 277 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 278. Paragraph 278 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 279. Paragraph 279 sets forth argument and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground the Defendants deny each
17 and every allegation contained therein. Further, Defendants deny each and every allegation
18 contained therein.

19 280. Paragraph 280 sets forth argument and/or legal conclusions, as opposed to factual
20 allegations, to which no response is required, and on that ground the Defendants deny each
21 and every allegation contained therein. Further, Defendants deny each and every allegation
22 contained therein.

23 281. Paragraph 281 sets forth argument and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground the Defendants deny each
25 and every allegation contained therein. Further, Defendants deny each and every allegation
26 contained therein.

27 282. Paragraph 282 sets forth argument and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground the Defendants deny each

1 and every allegation contained therein. Further, Defendants deny each and every allegation
2 contained therein.

3 283. Paragraph 283 sets forth argument and/or legal conclusions, as opposed to factual
4 allegations, to which no response is required, and on that ground the Defendants deny each
5 and every allegation contained therein. Further, Defendants deny each and every allegation
6 contained therein.

7 284. Defendants deny each and every allegation in paragraph 284.

8 285. Defendants deny each and every allegation in paragraph 285.

9 286. Paragraph 286 sets forth argument and/or legal conclusions, as opposed to factual
10 allegations, to which no response is required, and on that ground the Defendants deny each
11 and every allegation contained therein. Further, Defendants deny each and every allegation
12 contained therein.

13 287. Paragraph 287 sets forth argument and/or legal conclusions, as opposed to factual
14 allegations, to which no response is required, and on that ground the Defendants deny each
15 and every allegation contained therein. Further, Defendants deny each and every allegation
16 contained therein.

17 288. Paragraph 288 sets forth argument and/or legal conclusions, as opposed to factual
18 allegations, to which no response is required, and on that ground the Defendants deny each
19 and every allegation contained therein. Further, Defendants deny each and every allegation
20 contained therein.

21 289. Paragraph 289 sets forth argument and/or legal conclusions, as opposed to factual
22 allegations, to which no response is required, and on that ground the Defendants deny each
23 and every allegation contained therein. Further, Defendants deny each and every allegation
24 contained therein.

25 290. Paragraph 290 sets forth argument and/or legal conclusions, as opposed to factual
26 allegations, to which no response is required, and on that ground the Defendants deny each
27 and every allegation contained therein. Further, Defendants deny each and every allegation
28 contained therein.

1 291. Paragraph 291 sets forth argument and/or legal conclusions, as opposed to factual
2 allegations, to which no response is required, and on that ground the Defendants deny each
3 and every allegation contained therein. Further, Defendants deny each and every allegation
4 contained therein.

5 292. Paragraph 292 sets forth argument and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground the Defendants deny each
7 and every allegation contained therein. Further, Defendants deny each and every allegation
8 contained therein.

9 293. Paragraph 293 sets forth argument and/or legal conclusions, as opposed to factual
10 allegations, to which no response is required, and on that ground the Defendants deny each
11 and every allegation contained therein. Further, Defendants deny each and every allegation
12 contained therein.

13 294. Paragraph 294 sets forth argument and/or legal conclusions, as opposed to factual
14 allegations, to which no response is required, and on that ground the Defendants deny each
15 and every allegation contained therein. Further, Defendants deny each and every allegation
16 contained therein.

17 295. Defendants admit paragraph 295 includes language from various portions of the
18 U.S.C. and the C.F.R.

19 296. Defendants admit the City is a public entity. Defendants admit the Police
20 Department is the police department for the City. Defendants deny each and every other
21 allegation contained therein.

22 297. Answering paragraph 297 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of those allegations and on that basis
24 deny each and every allegation contained therein.

25 298. Answering paragraph 298 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of those allegations and on that basis
27 deny each and every allegation contained therein.

28 / / /

1 299. Answering paragraph 299 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of those allegations and on that basis
3 deny each and every allegation contained therein.

4 300. Answering paragraph 300 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of those allegations and on that basis
6 deny each and every allegation contained therein.

7 301. Paragraph 301 sets forth argument and/or legal conclusions, as opposed to factual
8 allegations, to which no response is required, and on that ground the Defendants deny each
9 and every allegation contained therein. Further, Defendants deny each and every allegation
10 contained therein.

11 302. Paragraph 302 sets forth argument and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground the Defendants deny each
13 and every allegation contained therein. Further, Defendants deny each and every allegation
14 contained therein.

15 AFFIRMATIVE DEFENSES

16 As and for separate and distinct affirmative defenses, Defendants allege as follows:

17 FIRST AFFIRMATIVE DEFENSE

18 [Failure to State a Cause of Action]

19 Plaintiffs' Complaint, and each cause of action contained therein, fails to state the facts
20 sufficient to constitute a cause of action against Defendants.

21 SECOND AFFIRMATIVE DEFENSE

22 [Statute of Limitations]

23 The claims for relief alleged in the complaint are barred by the applicable statute of
24 limitations.

25 THIRD AFFIRMATIVE DEFENSE

26 [Tort Claims Act]

27 Plaintiffs' claims are barred for failure to comply with the California Tort Claims Act.

28 / / /

1 FOURTH AFFIRMATIVE DEFENSE

2 [Comparative Fault - Plaintiff]

3 Plaintiffs are barred from recovery, in whole or part, because the sole or partial negligence
4 of plaintiffs were the proximate cause of the acts and events alleged in the Complaint.

5 FIFTH AFFIRMATIVE DEFENSE

6 [Comparative Fault - Third Parties]

7 Plaintiffs are barred from recovery from Defendants, in whole or part, because the sole or
8 partial negligence of third parties was the proximate cause of the acts and events alleged in the
9 Complaint.

10 SIXTH AFFIRMATIVE DEFENSE

11 [Assumption of the Risk]

12 Plaintiffs freely and voluntarily assumed the risk of injury and damage alleged in the
13 Complaint with full knowledge and appreciation of the magnitude thereof.

14 SEVENTH AFFIRMATIVE DEFENSE

15 [Government Code - Immunities]

16 Each act or omission alleged in the Complaint falls within the immunities and defenses
17 described in sections 800 through 995 of the California Government Code, including but not
18 limited to, sections 815.2, 818.8, 820.2, 821.2, 822.2, 830.2, 830.4, 830.6, 830.8, 830.9, 831,
19 831.2, 835.4, 840.2, 840.4, 840.6, and 845.8.

20 EIGHTH AFFIRMATIVE DEFENSE

21 [Qualified Immunity]

22 Defendants allege immunity from liability because the involved Sacramento police
23 officers' conduct did not violate clearly established federal law and/or a reasonable officer
24 would not have known his/her conduct violated clearly established law.

25 NINTH AFFIRMATIVE DEFENSE

26 [No adopted or enacted policy, custom or practice]

27 Pursuant to the *Monell* case, Defendant CITY OF SACRAMENTO has no liability
28 because it did not adopt or enact any policy, custom or practice that violated any of plaintiffs'

1 constitutional rights.

2 TENTH AFFIRMATIVE DEFENSE

3 [Arrest/Force]

4 Each act or omission alleged in the complaint falls within the immunities and privileges
5 set forth in the California Penal Code, including but not limited to, sections 834, 834a, 835,
6 836, and 836.5.

7
8 ELEVENTH AFFIRMATIVE DEFENSE

9 [City Code - Immunities]

10 There is no liability on the part of Defendants by virtue of the privileges, defenses, and
11 immunities set forth in the Sacramento City Code, including but not limited to, sections
12 12.32.020 and 12.32.040.

13 TWELFTH AFFIRMATIVE DEFENSE

14 [Good Faith]

15 Defendants alleges it has acted in good faith and without wrongful intent at all times
16 alleged in the Complaint.

17 THIRTEENTH AFFIRMATIVE DEFENSE

18 [Failure to Mitigate]

19 Plaintiffs' claims are barred, in whole or part, due to Plaintiffs' failure to mitigate the
20 damages alleged in the complaint.

21 FOURTEENTH AFFIRMATIVE DEFENSE

22 [Punitive Damages]

23 Defendants are immune from punitive damages pursuant to Government Code section
24 818.

25 FIFTEENTH AFFIRMATIVE DEFENSE

26 [Police Canine]

27 Each act or omission alleged in the complaint falls within the immunity set forth in Civil
28 Code section 3342 (b).

SIXTEENTH AFFIRMATIVE DEFENSE

[Proposition 51]

Plaintiff's recovery against Defendant, if any, must be reduced by the terms of the Fair Responsibility Act of 1986. (California Civil Code sections 1431.1 through 1431.5.)

SEVENTEENTH AFFIRMATIVE DEFENSE

[Standing]

Plaintiffs lack the proper standing to sue Defendants on the grounds set forth in the complaint.

WHEREFORE, Defendants request:

1. That Plaintiffs take nothing from Defendants herein and that judgment be awarded in favor of Defendants;

2. That Defendants recover its reasonable costs incurred in the defense of this action; and

3. For such other and further relief as the court may deem proper.

DEMAND FOR JURY TRIAL

NOTICE IS HEREBY GIVEN that Defendants, demands a jury trial in the above-entitled action pursuant to the provisions of Rule 38 of the Federal Rules of Civil Procedure and the Seventh Amendment of the United States Constitution.

DATED: August 8, 2022

SUSANA ALCALA WOOD,
City Attorney

By: /s/ MATTHEW R. DAY

MATTHEW R. DAY
Senior Deputy City Attorney

Attorneys for the CITY OF
SACRAMENTO, SACRAMENTO POLICE
DEPARTMENT, and DANIEL HAHN